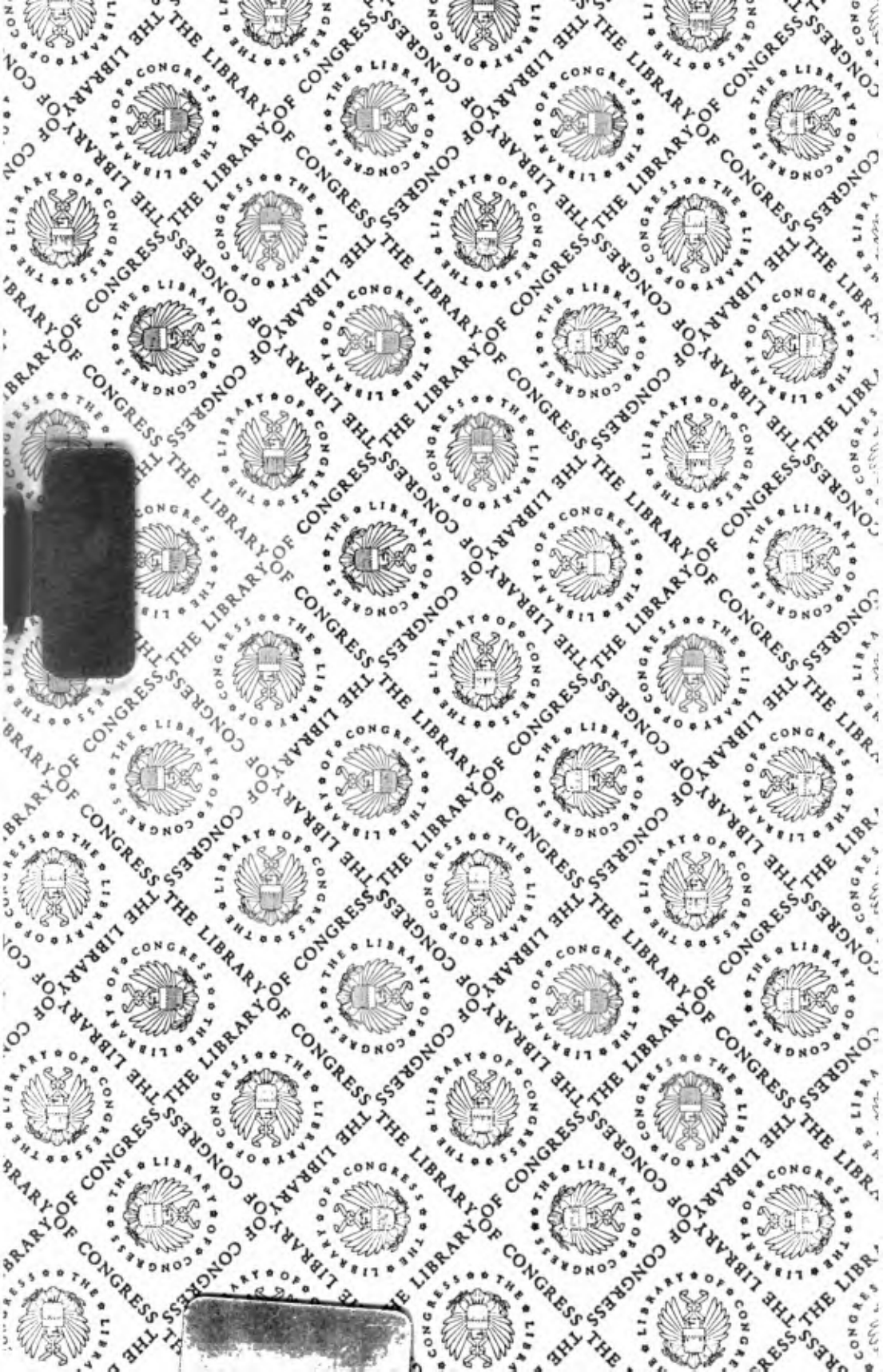
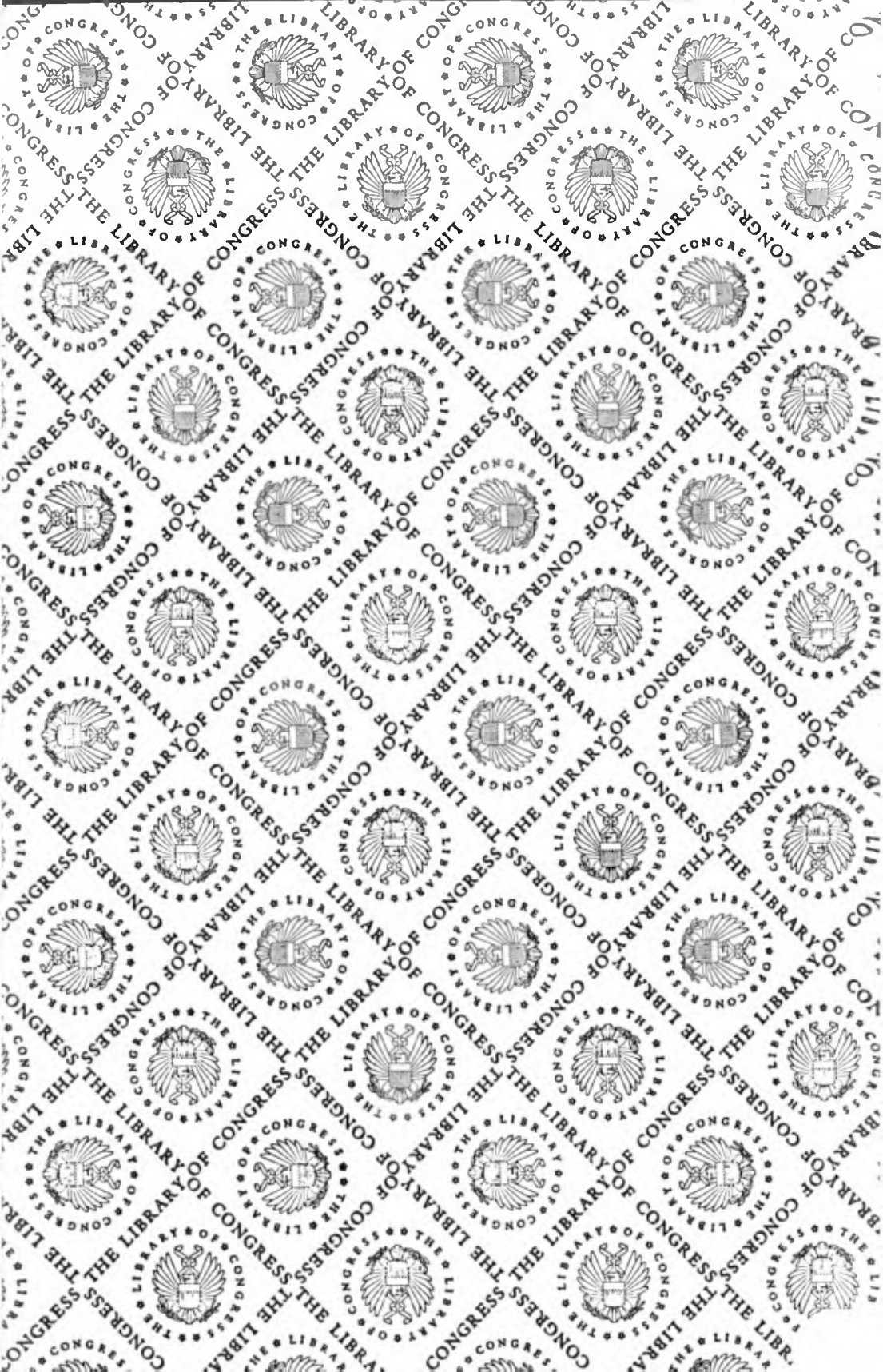


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United States ...

**PENNSYLVANIA AND NEW JERSEY  
TRANSPORTATION COMPACT**

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**HEARING  
BEFORE THE  
SUBCOMMITTEE ON ADMINISTRATIVE LAW  
AND GOVERNMENTAL RELATIONS  
OF THE  
COMMITTEE ON THE JUDICIARY  
HOUSE OF REPRESENTATIVES  
ONE HUNDRED SECOND CONGRESS**

**SECOND SESSION**

**ON**

**H.R. 5452**

**PENNSYLVANIA AND NEW JERSEY TRANSPORTATION COMPACT**

**JUNE 24, 1992**

**Serial No. 47**



**Printed for the use of the Committee on the Judiciary**

**U.S. GOVERNMENT PRINTING OFFICE**

**WASHINGTON : 1992**

57-103 -4

For sale by the U.S. Government Printing Office  
Superintendent of Documents, Congressional Sales Office, Washington, DC 20402

ISBN 0-16-038954-2

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## PENNSYLVANIA AND NEW JERSEY TRANSPORTATION COMPACT

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WEDNESDAY, JUNE 24, 1992

HOUSE OF REPRESENTATIVES,  
SUBCOMMITTEE ON ADMINISTRATIVE LAW  
AND GOVERNMENTAL RELATIONS,  
COMMITTEE ON THE JUDICIARY,  
*Washington, DC.*

The subcommittee met, pursuant to notice, at 10:22 a.m., in room 2226, Rayburn House Office Building, Hon. Barney Frank (chairman of the subcommittee) presiding.

Present: Representatives Barney Frank, Harley O. Staggers, Jr., Jack Reed, and Steven Schiff.

Also present: Paul J. Drolet, counsel; David A. Naimon, assistant counsel; Cynthia Blackston, chief clerk; and Raymond V. Smietanka, minority counsel.

Mr. FRANK. The Subcommittee on Administrative Law and Governmental Relations will come to order.

I apologize for this delay. We had a vote.

Our first matter is H.R. 5452, which is a bill for congressional approval of an amendment to a compact between Pennsylvania and New Jersey concerning the Delaware Port Authority. The Constitution requires that any interstate compact be approved by Congress. I would just say that it has been my view, and I think the view of the overwhelming majority of members, that we are not here to inquire into the wisdom of the policy. If two States decide between themselves to have a compact, and no serious Federal policy is contravened thereby, we are strongly inclined to say yes.

[The bill, H.R. 5452, follows:]

102D CONGRESS  
2D SESSION

# H. R. 5452

Granting the consent of the Congress to a supplemental compact or agreement between the Commonwealth of Pennsylvania and the State of New Jersey concerning the Delaware River Port Authority.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 22, 1992

Mr. HUGHES (for himself, Mr. FOGLIETTA, Mr. ROE, Mr. BORSKI, Mr. DWYER of New Jersey, Mr. MURPHY, and Mr. GALLO) introduced the following bill; which was referred to the Committee on the Judiciary

---

## A BILL

Granting the consent of the Congress to a supplemental compact or agreement between the Commonwealth of Pennsylvania and the State of New Jersey concerning the Delaware River Port Authority.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*  
3       That the Congress consents to a supplemental compact or  
4       agreement between the Commonwealth of Pennsylvania  
5       and the State of New Jersey amending articles I, II, III,  
6       IV, XII, and XIII of the compact or agreement between  
7       the Commonwealth of Pennsylvania and the State of New  
8       Jersey entitled "Agreement Between The Commonwealth

1 of Pennsylvania and The State of New Jersey creating the  
2 Delaware River Joint Commission as a body corporate and  
3 politic and defining its powers and duties". The supple-  
4 mental compact or agreement is substantially as follows:

5 (1) Article I of the "Agreement Between The Com-  
6 monwealth of Pennsylvania and The State of New Jersey  
7 creating the Delaware River Joint Commission as a body  
8 corporate and politic and defining its powers and duties",  
9 as amended and supplemented, is amended to read as fol-  
10 lows:

11 "The body corporate and politic, heretofore created  
12 and known as the Delaware River Joint Commission here-  
13 by is continued under the name of the Delaware River  
14 Port Authority (hereinafter in this agreement called the  
15 'commission'), which shall constitute the public corporate  
16 instrumentality of the Commonwealth of Pennsylvania and  
17 the State of New Jersey for the following public purposes,  
18 and which shall be deemed to be exercising an essential  
19 governmental function in effectuating such purposes, to  
20 wit:

21 "(a) The operation and maintenance of the bridge,  
22 owned jointly by the 2 States, across the Delaware River  
23 between the city of Philadelphia in the Commonwealth of  
24 Pennsylvania and the city of Camden in the State of New

1 Jersey, including its approaches, and the making of addi-  
2 tions and improvements thereto.

3       “(b) The effectuation, establishment, construction,  
4 acquisition, operation, and maintenance of railroad or  
5 other facilities for the transportation of passengers across  
6 any bridge or tunnel owned or controlled by the commis-  
7 sion, including extensions of such railroad or other facili-  
8 ties necessary for efficient operation in the Port District.

9       “(c) The improvement and development of the Port  
10 District for port purposes by or through the acquisition,  
11 construction, maintenance, or operation of any and all  
12 projects for the improvement and development of the Port  
13 District for port purposes, or directly related thereto, ei-  
14 ther directly by purchase, lease, or contract, or by lease  
15 or agreement with any other public or private body or cor-  
16 poration or in any other manner.

17       “(d) Co-operation with all other bodies interested or  
18 concerned with, or affected by the promotion, development  
19 or use of the Delaware River and the Port District.

20       “(e) The procurement from the Government of the  
21 United States of any consents which may be requisite to  
22 enable any project within its powers to be carried forward.

23       “(f) The construction, acquisition, operation and  
24 maintenance of other bridges and tunnels across or under  
25 the Delaware River, between the city of Philadelphia or

1 the county of Delaware in the Commonwealth of Penn-  
2 sylvania and the State of New Jersey, including ap-  
3 proaches and the making of additions and improvements  
4 thereto.

5       “(g) The promotion as a highway of commerce of the  
6 Delaware River, and the promotion of increased passenger  
7 and freight commerce on the Delaware River and for such  
8 purpose the publication of literature and the adoption of  
9 any other means as may be deemed appropriate.

10       “(h) To study and make recommendations to the  
11 proper authorities for the improvement of terminal, light-  
12 erage, wharfage, warehouse and other facilities necessary  
13 for the promotion of commerce on the Delaware River.

14       “(i) Institution through its counsel, or such other  
15 counsel as it shall designate, or intervention in, any litiga-  
16 tion involving rates, preferences, rebates, or other matters  
17 vital to the interest of the Port District; provided, that  
18 notice of any such institution of or intervention in litiga-  
19 tion shall be given promptly to the Attorney General of  
20 the Commonwealth of Pennsylvania and to the Attorney  
21 General of the State of New Jersey, and provision for such  
22 notices shall be made in a resolution authorizing any such  
23 intervention or litigation and shall be incorporated in the  
24 minutes of the commission.

1       “(j) The establishment, maintenance, rehabilitation,  
2 construction and operation of a rapid transit system for  
3 the transportation of passengers, express mail, and bag-  
4 gage, or any of them, between points in New Jersey within  
5 the Port District and points in Pennsylvania within the  
6 Port District, and intermediate points. Such system may  
7 be established either by utilizing existing rapid transit sys-  
8 tems, railroad facilities, highways, and bridges within the  
9 territory involved or by the construction or provision of  
10 new rail facilities where deemed necessary, and may be  
11 established either directly by purchase, lease, or contract,  
12 or by lease or agreement with any other public or private  
13 body or corporation, or in any other manner.

14       “(k) The performance of such other functions which  
15 may be of mutual benefit to the Commonwealth of Penn-  
16 sylvania and the State of New Jersey insofar as concerns  
17 the promotion and development of the Port District for  
18 port purposes and the use of its facilities by commercial  
19 vessels.

20       “(l) The performance or effectuation of such addi-  
21 tional bridge, tunnel, railroad, rapid transit, transpor-  
22 tation, transportation facility, terminal, terminal facility,  
23 and port improvement and development purposes within  
24 the Port District as may hereafter be delegated to or im-

1 posed upon it by the action of either State concurred in  
2 by legislation of the other.

3       “(m) The unification of the ports of the Delaware  
4 River through (i) the acquisition or taking control of any  
5 terminal, terminal facility, transportation facility or ma-  
6 rine terminal or port facility or associated property within  
7 the Port District through purchase, lease, or otherwise,  
8 or by the acquisition, merger, becoming the successor to  
9 or entering into contracts, agreements, or partnerships  
10 with any other port corporation, port authority, or port  
11 related entity which is located within the Port District,  
12 all in accordance with the applicable laws of the State in  
13 which the facility, corporation, or authority is located; (ii)  
14 the exercise of the other powers granted by this compact;  
15 or (iii) the establishment (whether solely or jointly with  
16 any other entity or entities) of such subsidiary corporation  
17 or corporations or maritime or port advisory committees  
18 as may be necessary or desirable to effectuate this pur-  
19 pose.

20       “(n) The planning, financing, development, acquisi-  
21 tion, construction, purchase, lease, maintenance, market-  
22 ing, improvement and operation of any project, including  
23 but not limited to any terminal, terminal facility, transpor-  
24 tation facility, or any other facility of commerce or eco-  
25 nomic development activity; from funds available after ap-

1 appropriate allocation for maintenance of bridge and other  
2 capital facilities.”.

3 (2) Article II of the agreement is amended to read  
4 as follows:

5 “The commission shall consist of sixteen commis-  
6 sioners, eight resident voters of the Commonwealth of  
7 Pennsylvania and eight resident voters of the State of New  
8 Jersey, who shall serve without compensation.

9 “The commissioners for the State of New Jersey shall  
10 be appointed by the Governor of New Jersey with the ad-  
11 vice and consent of the Senate of New Jersey, for terms  
12 of five years, and in case of a vacancy occurring in the  
13 office of commissioner during a recess of the Legislature,  
14 it may be filled by the Governor by an ad interim appoint-  
15 ment which shall expire at the end of the next regular  
16 session of the Senate unless a successor shall be sooner  
17 appointed and qualify and, after the end of the session,  
18 no ad interim appointment to the same vacancy shall be  
19 made unless the Governor shall have submitted to the Sen-  
20 ate a nomination to the office during the session and the  
21 Senate shall have adjourned without confirming or reject-  
22 ing it, and no person nominated for any such vacancy shall  
23 be eligible for an ad interim appointment to such office  
24 if the nomination shall have failed of confirmation by the  
25 Senate.



1       “Six of the eight commissioners for the Common-  
2 wealth of Pennsylvania shall be appointed by the Governor  
3 of Pennsylvania for terms of five years. The Auditor Gen-  
4 eral and the State Treasurer of said Commonwealth shall  
5 be ex officio commissioners for said Commonwealth, each  
6 having the privilege of appointing a representative to serve  
7 in his place at a meeting of the commission which he does  
8 not attend personally. Any commissioner who is an elected  
9 public official shall have the privilege of appointing a rep-  
10 resentative to serve and act in his place at any meeting  
11 of the commission which he does not attend personally.

12       “All commissioners shall continue to hold office after  
13 the expiration of the terms for which they are appointed  
14 or elected until their respective successors are appointed  
15 and qualify, but a period during which any commissioner  
16 shall hold over shall be deemed to be an extension of his  
17 term of office for the purpose of computing the date on  
18 which his successor’s term expires.”.

19       (3) Article III of the agreement is amended to read  
20 as follows:

21       “The commissioners shall have charge of the commis-  
22 sion’s property and affairs and shall for the purpose of  
23 doing business constitute a board, but no action of the  
24 commissioners shall be binding unless a majority of the  
25 members of the commission from Pennsylvania and a ma-

1 jority of the members of the commission from New Jersey  
2 shall vote in favor thereof.

3       “Notwithstanding the above, each State reserves the  
4 right to provide by law for the exercise of a veto power  
5 by the Governor of that State over any action of any com-  
6 missioner from that State at any time within 10 days  
7 (Saturdays, Sundays, and public holidays in the particular  
8 State excepted) after receipt at the Governor's office of  
9 a certified copy of the minutes of the meeting at which  
10 such vote was taken. Each State may provide by law for  
11 the manner of delivery of such minutes, and for notifica-  
12 tion of the action thereon.”.

13       (4) Article IV of the agreement is amended to read  
14 as follows:

15       “For the effectuation of its authorized purposes the  
16 commission is hereby granted the following powers:

17             “(a) To have perpetual succession.

18             “(b) To sue and be sued.

19             “(c) To adopt and use an official seal.

20             “(d) To elect a chairman, vice-chairman, sec-  
21 retary, and treasurer, and to adopt suitable bylaws  
22 for the management of its affairs. The secretary and  
23 treasurer need not be members of the commission.

24             “(e) To appoint, hire, or employ counsel and  
25 such other officers and such agents and employees

1 as it may require for the performance of its duties,  
2 by contract or otherwise, and fix and determine their  
3 qualifications, duties, and compensation. .

4 “(f) To enter into contracts.

5 “(g) To acquire, own, hire, use, operate, and  
6 dispose of personal property.

7 “(h) To acquire, own, use, lease, operate, mort-  
8 gage, and dispose of real property and interests in  
9 real property, and to make improvements thereon.

10 “(i) To grant by franchise, lease, or otherwise,  
11 the use of any property or facility owned or con-  
12 trolled by the commission and to make charges  
13 therefor.

14 “(j) To borrow money upon its bonds or other  
15 obligations, either with or without security, and to  
16 make, enter into, and perform any and all such cov-  
17 enants and agreements with the holders of such  
18 bonds or other obligations as the commission may  
19 determine to be necessary or desirable for the secu-  
20 rity and payment thereof, including without limita-  
21 tion of the foregoing, covenants and agreements as  
22 to the management and operation of any property or  
23 facility owned or controlled by it, the tolls, rents,  
24 rates, or other charges to be established, levied,  
25 made, and collected for any use of any such property

1 or facility, or the application, use, and disposition of  
2 the proceeds of any bonds or other obligations of the  
3 commission or the proceeds of any such tolls, rents,  
4 rates, or other charges or any other revenues or  
5 moneys of the commission.

6 “(k) To exercise the right of eminent domain  
7 within the Port District.

8 “(l) To determine the exact location, system,  
9 and character of and all other matters in connection  
10 with any and all improvements or facilities which it  
11 may be authorized to own, construct, establish, ef-  
12 fectuate, operate, or control.

13 “(m) In addition to the foregoing, to exercise  
14 the powers, duties, authority, and jurisdiction here-  
15 tofore conferred and imposed upon the aforesaid the  
16 Delaware River Joint Commission by the Common-  
17 wealth of Pennsylvania or the State of New Jersey,  
18 or both of the said 2 States.

19 “(n) To exercise all other powers not inconsis-  
20 tent with the constitutions of the 2 States or of the  
21 United States, which may be reasonably necessary or  
22 incidental to the effectuation of its authorized pur-  
23 poses or to the exercise of any of the foregoing pow-  
24 ers, except the power to levy taxes or assessments,  
25 and generally to exercise in connection with its prop-

1       erty and affairs, and in connection with property  
2       within its control, any and all powers which might  
3       be exercised by a natural person or a private cor-  
4       poration in connection with similar property and af-  
5       fairs.

6           “(o) To acquire, purchase, construct, lease, op-  
7       erate, maintain, and undertake any project, includ-  
8       ing any terminal, terminal facility, transportation fa-  
9       cility, or any other facility of commerce and to make  
10      charges for the use thereof.

11          “(p) To make expenditures anywhere in the  
12      United States and foreign countries, to pay commis-  
13      sions, and hire or contract with experts or consult-  
14      ants, and otherwise to do indirectly anything which  
15      the commission may do directly.

16          “(q) To establish 1 or more operating divisions  
17      as deemed necessary to exercise the power and effec-  
18      tuate the purposes of this agreement.

19          “The commission shall also have such additional pow-  
20      ers as may hereafter be delegated to or imposed upon it  
21      from time to time by the action of either State concurred  
22      in by legislation of the other.

23          “It is the policy and intent of the Legislature of the  
24      Commonwealth of Pennsylvania and the State of New Jer-  
25      sey that the powers granted by this article shall be so exer-

1 cised that the American system of free competitive private  
2 enterprise is given full consideration and is maintained  
3 and furthered. In making its reports and rec-  
4 ommendations to the Legislatures of the Commonwealth  
5 of Pennsylvania and the State of New Jersey on the need  
6 for any facility or project which the commission believes  
7 should be undertaken for the promotion and development  
8 of the Port District, the commission shall include therein  
9 its findings which fully set forth that the facility or facili-  
10 ties operated by private enterprise within the Port District  
11 and which it is intended shall be supplanted or added to  
12 are not adequate.”.

13 (5) Article XII of the agreement is amended to read  
14 as follows:

15 “The Commission shall, within 90 days after the end  
16 of each fiscal year, submit to the Governors and Legisla-  
17 tures of the Commonwealth of Pennsylvania and the State  
18 of New Jersey a complete and detailed report of the fol-  
19 lowing:

20 “(1) its operations and accomplishments during  
21 the completed fiscal year;

22 “(2) its receipts and disbursements or revenues  
23 and expenses during that year in accordance with  
24 the categories and classifications established by the

1 commission for its own operating and capital outlay  
2 purposes;

3 “(3) its assets and liabilities at the end of the  
4 fiscal year, including the status of reserve, deprecia-  
5 tion, special or other funds including debits and  
6 credits of these funds;

7 “(4) a schedule of bonds and notes outstanding  
8 at the end of the fiscal year;

9 “(5) a list of all contracts exceeding \$100,000  
10 entered into during the fiscal year;

11 “(6) a business or strategic plan for the com-  
12 mission and for each of its operating divisions; and

13 “(7) a five year capital plan.

14 “Not less than once every five years, the commission  
15 shall cause a management audit of its operational effec-  
16 tiveness and efficiency to be conducted by an independent  
17 consulting firm selected by the commission. The first man-  
18 agement audit to be conducted shall commence within 3  
19 years of the date of coming into force of the supplemental  
20 compact or agreement authorized by this 1991 amend-  
21 atory act. This audit is in addition to any other audit  
22 which the commission determines to conduct from time to  
23 time.

24 “The commission shall, not later than 2 years after  
25 the date of the coming into force of the supplemental com-

1 pact or agreement authorized by this 1991 amendatory  
2 act, prepare a comprehensive master plan for the develop-  
3 ment of the Port District. The plan shall include, but not  
4 be limited to, plans for the construction, financing, devel-  
5 opment, reconstruction, purchase, lease, improvement, and  
6 operation of any terminal, terminal facility, transportation  
7 facility or any other facility of commerce or economic de-  
8 velopment activity. The master plan shall include the gen-  
9 eral location of such projects and facilities as may be in-  
10 cluded in the master plan and shall to the maximum ex-  
11 tent practicable include, but not be limited to, a general  
12 description of each such project and facility, the land use  
13 requirements necessary therefor, and estimates of project  
14 costs and of a schedule for commencement of each such  
15 project. Prior to adopting such master plan, the commis-  
16 sion shall give written notice to, afford a reasonable oppor-  
17 tunity for comment, consult with and consider any rec-  
18 ommendations from States, county and municipal govern-  
19 ment, as well as commissions, public corporations and au-  
20 thorities, and the private sector. The commission may  
21 modify or change any part of the plan in the same form  
22 and manner as provided for the adoption of the original  
23 plan. At the time the commission authorizes any project  
24 or facility, the commission shall promptly provide to the  
25 Governor and Legislature of each State a detailed report



1 on the project including its status within the master plan.  
2 The commission shall include within the authorization a  
3 status of the project or facility in the master plan and  
4 any amendment thereof, and no project shall be authorized  
5 if not included in the master plan or amendment thereof.  
6 Any project which has been commenced and approved by  
7 the commission prior to the adoption of the master plan  
8 shall be included, for informational purposes only, in the  
9 master plan. The commission shall provide notice of such  
10 on-going projects to those States, county and municipal  
11 governments, as well as entities in the private sector who  
12 would be entitled to such notice had the project not been  
13 commenced in anticipation of adopting the master plan,  
14 but there shall be no requirement that the project be de-  
15 layed or deferred due to these provisions.

16 "In addition to other powers conferred upon it, and  
17 not in limitation thereof, the commission may acquire all  
18 right, title and interest in and to the Tacony-Palmyra  
19 bridge, across the Delaware River at Palmyra, New Jer-  
20 sey, together with any approaches and interests in real  
21 property necessary thereto. The acquisition of such bridge,  
22 approaches and interests by the commission shall be by  
23 purchase or by condemnation in accordance with the provi-  
24 sions of the Federal law consenting to or authorizing the  
25 construction of such bridge or approaches, or the acquisi-

1 tion of such bridge, approaches or interests by the com-  
2 mission shall be pursuant to and in accordance with the  
3 provisions of section 48:5-22 and 48:5-23 of the Revised  
4 Statutes of New Jersey, and for all the purposes of said  
5 provisions and sections the commission is hereby ap-  
6 pointed as the agency of the State of New Jersey and the  
7 Commonwealth of Pennsylvania exercising the rights and  
8 powers granted or reserved by said Federal law or sections  
9 to the State of New Jersey and Commonwealth of Penn-  
10 sylvania jointly or to the State of New Jersey acting in  
11 conjunction with the Commonwealth of Pennsylvania. The  
12 commission shall have authority to so acquire such bridge,  
13 approaches and interests, whether the same be owned,  
14 held, operated or maintained by any private person, firm,  
15 partnership, company, association or corporation or by  
16 any instrumentality, public body, commission, public agen-  
17 cy or political subdivision (including any county or munici-  
18 pality) of, or created by or in, the State of New Jersey  
19 or the Commonwealth of Pennsylvania, or by any instru-  
20 mentality, public body, commission, or public agency of,  
21 or created by or in, a political subdivision (including any  
22 county or municipality) of the State of New Jersey or the  
23 Commonwealth of Pennsylvania. None of the provisions of  
24 the preceding paragraph shall be applicable with respect  
25 to the acquisition by the commission, pursuant to this

1 paragraph, of said Tacony-Palmyra bridge, approaches  
2 and interests. The power and authority herein granted to  
3 the commission to acquire said Tacony-Palmyra bridge,  
4 approaches and interests shall not be exercised unless and  
5 until the Governor of the State of New Jersey and the  
6 Governor of the Commonwealth of Pennsylvania have filed  
7 with the commission their written consents to such acqui-  
8 sition.

9       “Notwithstanding any provision of this agreement,  
10 nothing herein contained shall be construed to limit or im-  
11 pair any right or power granted or to be granted to the  
12 Pennsylvania Turnpike Commission or the New Jersey  
13 Turnpike Authority, to finance, construct, operate, and  
14 maintain the Pennsylvania Turnpike System or any turn-  
15 pike project of the New Jersey Turnpike Authority, re-  
16 spectively, throughout the Port District, including the  
17 right and power, acting alone or in conjunction with each  
18 other, to provide for the financing, construction, operation,  
19 and maintenance of one bridge across the Delaware River  
20 south of the city of Trenton in the State of New Jersey;  
21 provided that such bridge shall not be constructed within  
22 a distance of 10 miles, measured along the boundary line  
23 between the Commonwealth of Pennsylvania and the State  
24 of New Jersey, from the existing bridge, operated and  
25 maintained by the commission, across the Delaware River

1 between the city of Philadelphia in the Commonwealth of  
2 Pennsylvania and the city of Camden in the State of New  
3 Jersey, so long as there are any outstanding bonds or  
4 other securities or obligations of the commission for which  
5 the tolls, rents, rates, or other revenues, or any part there-  
6 of, of said existing bridge shall have been pledged. Nothing  
7 contained in this agreement shall be construed to author-  
8 ize the commission to condemn any such bridge.

9       “Anything herein contained to the contrary not-  
10 withstanding, no bridge or tunnel shall be constructed, ac-  
11 quired, operated, or maintained by the commission across  
12 or under the Delaware River north of the boundary line  
13 between Bucks County and Philadelphia County in the  
14 Commonwealth of Pennsylvania as extended across the  
15 Delaware River to the New Jersey shore of said river, and  
16 any new bridge or tunnel authorized by or pursuant to  
17 this compact or agreement to be constructed or erected  
18 by the commission may be constructed or erected at any  
19 location south of said boundary line notwithstanding the  
20 terms and provisions of any other agreement between the  
21 Commonwealth of Pennsylvania and the State of New Jer-  
22 sey. Except as may hereafter be otherwise provided in con-  
23 formity with Article IX hereof with respect to specific  
24 properties designated by action of the Legislatures of both  
25 of the signatory States, no property or facility owned or

1 controlled by the commission shall be acquired from it by  
2 any exercise of powers of condemnation or eminent do-  
3 main.”.

4 (6) Article XIII of the agreement is amended to read  
5 as follows:

6 “As used herein, unless a different meaning clearly  
7 appears from the context:

8 “ ‘Port District’ shall mean all the territory within  
9 the counties of Bucks, Chester, Delaware, Montgomery,  
10 and Philadelphia in Pennsylvania, and all the territory  
11 within the counties of Atlantic, Burlington, Camden, Cape  
12 May, Cumberland, Gloucester, Ocean, and Salem in New  
13 Jersey.

14 “ ‘Commission’ shall mean the Delaware River Port  
15 Authority and, when required by the context, the board  
16 constituting the governing body thereof in charge of its  
17 property and affairs.

18 “ ‘Commissioner’ shall mean a member of the govern-  
19 ing body of the Delaware River Port Authority.

20 “ ‘Economic development activity’ or ‘economic devel-  
21 opment’ means any structure or facility or any develop-  
22 ment within the Port District in connection with manufac-  
23 turing, port-oriented development, foreign trade zone site  
24 development or research, commercial, industrial, or rec-  
25 reational purposes, or for purposes of warehousing or

1 consumer and supporting services directly relating to any  
2 of the foregoing or to any authority project or facility  
3 which are required for the sound economic development  
4 of the Port District.

5       “ ‘Terminal’ shall include any marine, motor truck,  
6 motorbus, railroad, and air terminal or garage, also any  
7 coal, grain, and lumber terminal and any union freight  
8 and other terminals used or to be used in connection with  
9 the transportation of passengers and freight, and equip-  
10 ment, materials, and supplies therefor.

11       “ ‘Transportation facility’ and ‘facilities for transpor-  
12 tation of passengers’ shall include railroads operated by  
13 steam, electricity, or other power, rapid transit lines,  
14 motor trucks, motorbuses, tunnels, bridges, airports,  
15 boats, ferries, carfloats, lighters, tugs, floating elevators,  
16 barges, scows, or harbor craft of any kind, and aircraft,  
17 and equipment, materials, and supplies therefor.

18       “ ‘Terminal facility’ shall include wharves, piers,  
19 slips, berths, ferries, docks, drydocks, ship repair yards,  
20 bulkheads, dock walls, basins, carfloats, floatbridges,  
21 dredging equipment, radio receiving and sending stations,  
22 grain or other storage elevators, warehouses, cold storage,  
23 tracks, yards, sheds, switches, connections, overhead appli-  
24 ances, bunker coal, oil, and fresh water stations, markets,  
25 and every kind of terminal, storage, or supply facility now

1 in use, or hereafter designed for use to facilitate passenger  
2 transportation and for the handling, storage, loading, or  
3 unloading of freight at terminals, and equipment, mate-  
4 rials, and supplies therefor.

5 “ ‘Transportation of passengers’ and ‘passenger  
6 transportation’ shall mean the transportation of pas-  
7 sengers by railroad or other facilities.

8 “ ‘Rapid transit system’ shall mean a transit system  
9 for the transportation of passengers, express mail, and  
10 baggage by railroad or other facilities, and equipment, ma-  
11 terials, and supplies therefor.

12 “ ‘Project’ shall mean any improvement, betterment,  
13 facility or structure authorized by or pursuant to this com-  
14 pact or agreement to be constructed, erected, acquired,  
15 owned, or controlled or otherwise undertaken by the com-  
16 mission. ‘Project’ shall not include undertakings for pur-  
17 poses described in Article I, subdivisions (d), (e), (g), (h),  
18 and (i).

19 “ ‘Railroad’ shall include railways, extensions thereof,  
20 tunnels, subways, bridges, elevated structures, tracks,  
21 poles, wires, conduits, powerhouses, substations, lines for  
22 the transmission of power, carbarns, shops, yards, sidings,  
23 turnouts, switches, stations, and approaches thereto, cars,  
24 and motive equipment.

1       “ ‘Bridge’ and ‘tunnel’ shall include such approach  
2 highways and interests in real property necessary therefor  
3 in the Commonwealth of Pennsylvania or the State of New  
4 Jersey as may be determined by the commission to be nec-  
5 essary to facilitate the flow of traffic in the vicinity of a  
6 bridge or tunnel or to connect a bridge or tunnel with the  
7 highway system or other traffic facilities in said Common-  
8 wealth or said State; provided, however, that the power  
9 and authority herein granted to the commission to con-  
10 struct new or additional approach highways shall not be  
11 exercised unless and until the Department of Transpor-  
12 tation of the Commonwealth of Pennsylvania shall have  
13 filed with the commission its written approval as to ap-  
14 proach highways to be located in said Commonwealth and  
15 the State Highway Department of the State of New Jersey  
16 shall have filed with the commission its written approval  
17 as to approach highways to be located in said State.

18       “ ‘Facility’ shall include all works, buildings, struc-  
19 tures, property, appliances, and equipment, together with  
20 appurtenances necessary and convenient for the proper  
21 construction, equipment, maintenance, and operation of a  
22 facility or facilities or any 1 or more of them.

23       “ ‘Personal property’ shall include choses in action  
24 and all other property now commonly, or legally, defined



1 as personal property, or which may hereafter be so de-  
2 fined.

3 “ ‘Lease’ shall include rent or hire.

4 “ ‘Municipality’ shall include a county, city, borough,  
5 village, township, town, public agency, public authority, or  
6 political subdivision.

7 “Words importing the singular number include the  
8 plural number and vice versa.

9 “Wherever legislation or action by the Legislature of  
10 either signatory State is herein referred to it shall mean  
11 an act of the Legislature duly adopted in accordance with  
12 the provisions of the Constitution of such State.”.

Mr. FRANK. We have notified the general public, and we have two witnesses: Our colleague, Mr. Hughes, who has been the main mover in getting this one organized, and Mr. Foglietta, who may have to be sending a statement because of the usual kinds of time conflicts that Members have. So we'll begin with Mr. Hughes.

**STATEMENT OF HON. WILLIAM J. HUGHES, A REPRESENTATIVE  
IN CONGRESS FROM THE STATE OF NEW JERSEY**

Mr. HUGHES. Thank you very much, Mr. Chairman and members of this distinguished subcommittee, and good morning.

I thank you and members of the committee for taking up this legislation so promptly. I do believe my colleague from Pennsylvania, Tom Foglietta, will be with me, but if not, he will have a statement, which I would ask be put in the record.

Mr. FRANK. Without objection, it will be put in the record.

Mr. HUGHES. We're here to present to the subcommittee a bill to approve changes in the agreement between the Commonwealth of Pennsylvania and the State of New Jersey, which governs the Delaware River Port Authority. This agreement, also known as the DRPA compact, replaces the existing compact between the two States. As you know, the States cannot actually implement the new policies laid out in this agreement until Congress consents to the new compact.

The new DRPA compact reflects the mutual interest of both States in the efficient use of resources to promote economic involvement in the port region affected by the legislation. For many years, the DRPA has played a major role in operating the bridges and mass transit systems serving the area. These activities have played an essential role in promoting commerce along the Delaware River.

The States of New Jersey and Pennsylvania feel the time has come to broaden the powers of the DRPA to promote additional economical development activities and transportation services throughout the entire region. I support these efforts to stimulate the economy in the Delaware Valley area, and I am hopeful that the compact revisions will be approved by the subcommittee today and by the Congress in the very near future.

The new compact expands the geographic areas in which the DRPA can act, allows the DRPA to pursue a wider range of court-related activities, and allows it to conduct economic development activities within the port district. The State legislation authorizing the new compact was approved by the State of New Jersey on January 19, 1992, and by the Commonwealth of Pennsylvania on April 3 of this year. These bills authorize the Governors of the two States to enter into a new compact which is reflected in the supplemental agreement signed by Gov. Robert P. Casey of Pennsylvania on June 15 of this year and by Gov. James J. Florio of New Jersey on June 16.

It is my understanding that the compact was approved unanimously by the Pennsylvania Legislature and that no substantive opposition was raised during its consideration by the New Jersey Legislature.

In introducing the legislation, I have been joined by my colleague, Mr. Foglietta, as I indicated, as well as by Bob Borski, Bernie Dwyer, Austin Murphy, Dean Gallo, and the dean of our delegation, Bob Roe, chairman of the Public Works Committee.

I am prepared to answer any questions, Mr. Chairman. I believe it's a good agreement, and I would hope that the members of this committee will support it.

[The prepared statement of Mr. Hughes follows:]

PREPARED STATEMENT OF HON. WILLIAM J. HUGHES, A REPRESENTATIVE IN CONGRESS  
FROM THE STATE OF NEW JERSEY

1

MR. CHAIRMAN, I THANK YOU AND THE MEMBERS OF THE COMMITTEE FOR TAKING UP THIS LEGISLATION SO PROMPTLY. I AM HERE WITH MY COLLEAGUE FROM PENNSYLVANIA, MR. FOGLIETTA, TO PRESENT TO THE SUBCOMMITTEE A BILL TO APPROVE CHANGES IN THE AGREEMENT BETWEEN THE COMMONWEALTH OF PENNSYLVANIA AND THE STATE OF NEW JERSEY WHICH GOVERNS THE DELAWARE RIVER PORT AUTHORITY. THIS AGREEMENT, ALSO KNOWN AS THE DRPA COMPACT, REPLACES THE EXISTING COMPACT BETWEEN THE TWO STATES. AS YOU KNOW, THE STATES CANNOT ACTUALLY IMPLEMENT THE NEW POLICIES LAID OUT IN THIS AGREEMENT UNTIL CONGRESS CONSENTS TO THE NEW COMPACT.

THE NEW DRPA COMPACT REFLECTS THE MUTUAL INTERESTS OF BOTH STATES IN THE EFFICIENT USE OF RESOURCES TO PROMOTE ECONOMIC DEVELOPMENT IN THE PORT REGION AFFECTED BY THIS LEGISLATION. FOR MANY YEARS, THE DRPA HAS PLAYED A MAJOR ROLE IN OPERATING THE BRIDGES AND MASS TRANSIT SYSTEM SERVING THIS AREA. THESE ACTIVITIES HAVE PLAYED AN ESSENTIAL ROLE IN PROMOTING COMMERCE ALONG THE DELAWARE RIVER.

THE STATES OF NEW JERSEY AND PENNSYLVANIA FEEL THE TIME HAS COME TO BROADEN THE POWERS OF THE DRPA TO PROMOTE ADDITIONAL ECONOMIC DEVELOPMENT ACTIVITIES AND TRANSPORTATION SERVICES THROUGHOUT THE REGION. I SUPPORT THESE EFFORTS TO STIMULATE THE ECONOMY IN THE DELAWARE VALLEY AREA, AND AM HOPEFUL THAT THE COMPACT REVISIONS WILL BE APPROVED BY THE SUBCOMMITTEE TODAY AND BY THE CONGRESS IN THE NEAR FUTURE. THE NEW COMPACT EXPANDS THE GEOGRAPHIC AREAS IN WHICH THE DRPA CAN ACT, ALLOWS THE DRPA TO PURSUE A WIDER RANGE OF PORT-RELATED ACTIVITIES, AND ALLOWS IT TO

CONDUCT ECONOMIC DEVELOPMENT ACTIVITIES WITHIN THE PORT DISTRICT.

THE STATE LEGISLATION AUTHORIZING THE NEW COMPACT WAS APPROVED BY THE STATE OF NEW JERSEY ON JANUARY 19, 1992 (P.L. 1991, CH. 515; SENATE NO. 3757), AND BY THE COMMONWEALTH OF PENNSYLVANIA ON APRIL 3, 1992 (ACT NO. 19, HOUSE BILL NO. 2197, SESSION OF 1991). THESE BILLS AUTHORIZED THE GOVERNORS OF THE TWO STATES TO ENTER INTO A NEW COMPACT, WHICH IS REFLECTED IN THE SUPPLEMENTAL AGREEMENT SIGNED BY GOVERNOR ROBERT P. CASEY OF PENNSYLVANIA ON JUNE 15, 1992, AND BY GOVERNOR JAMES J. FLORIO OF NEW JERSEY ON JUNE 16, 1992.

IT IS MY UNDERSTANDING THAT THE COMPACT WAS APPROVED UNANIMOUSLY BY THE PENNSYLVANIA LEGISLATURE AND THAT NO SUBSTANTIVE OPPOSITION WAS RAISED DURING ITS CONSIDERATION BY THE NEW JERSEY LEGISLATURE.

IN INTRODUCING THIS LEGISLATION I HAVE BEEN JOINED BY MY COLLEAGUE MR. FOGLIETTA, WHO IS ALSO SPEAKING IN SUPPORT OF THE BILL TODAY, AS WELL AS REPS. ROBERT BORSKI, BERNARD DWYER, AUSTIN MURPHY, DEAN GALLO AND ROBERT ROE, CHAIRMAN OF THE PUBLIC WORKS COMMITTEE. I AM PREPARED TO ANSWER ANY QUESTIONS THE COMMITTEE MAY HAVE, I THANK YOU AGAIN FOR YOUR CONSIDERATION OF THIS BILL, AND I URGE YOU TO VOTE FAVORABLY ON IT.

Mr. FRANK. Any questions of the gentleman?

[No response.]

Mr. FRANK. No questions? Thank you, Mr. Hughes.

Mr. HUGHES. Thank you, Mr. Chairman.

Mr. FRANK. We intend to mark up on this, as you know, shortly.  
[The prepared statement of Mr. Foglietta follows:]

**Testimony of Congressman Thomas M. Foglietta**

**Before the House Committee on Judiciary**

**Subcommittee on Administrative Law and Government Relations**

**June 24, 1992**

Mr. Chairman, I want to thank you for convening this hearing today on unification of the ports of Philadelphia and southern New Jersey.

For far too long, the ports of the Philadelphia and southern New Jersey have been engaged in a struggle for each other's ocean going cargo business, at the same time other ports have been busy improving their infrastructure and enhancing their competitiveness. That competition between brothers in the same market inspired myself and Jim Florio to urge that these two brothers unify back into the same family.

As the founder of the Congressional Working Group on Delaware Port Unification, I come before you today to express my strong support for this bill which puts an end to this rivalry, unifies the ports of the Delaware Valley region and grants broad new economic development powers to the Delaware River Port Authority.

In these difficult economic times, we must put an end to this intra-state rivalry and marshall our collective resources to attract new business and jobs to the region.

Swift passage of this legislation will allow us to achieve these goals by allowing the Delaware River ports to engage in important economic development projects and enhance the economic vitality of the region. Thank You.

[Whereupon, at 10:33 a.m., the subcommittee adjourned, to reconvene subject to the call of the Chair.]



ISBN 0-16-038954-2

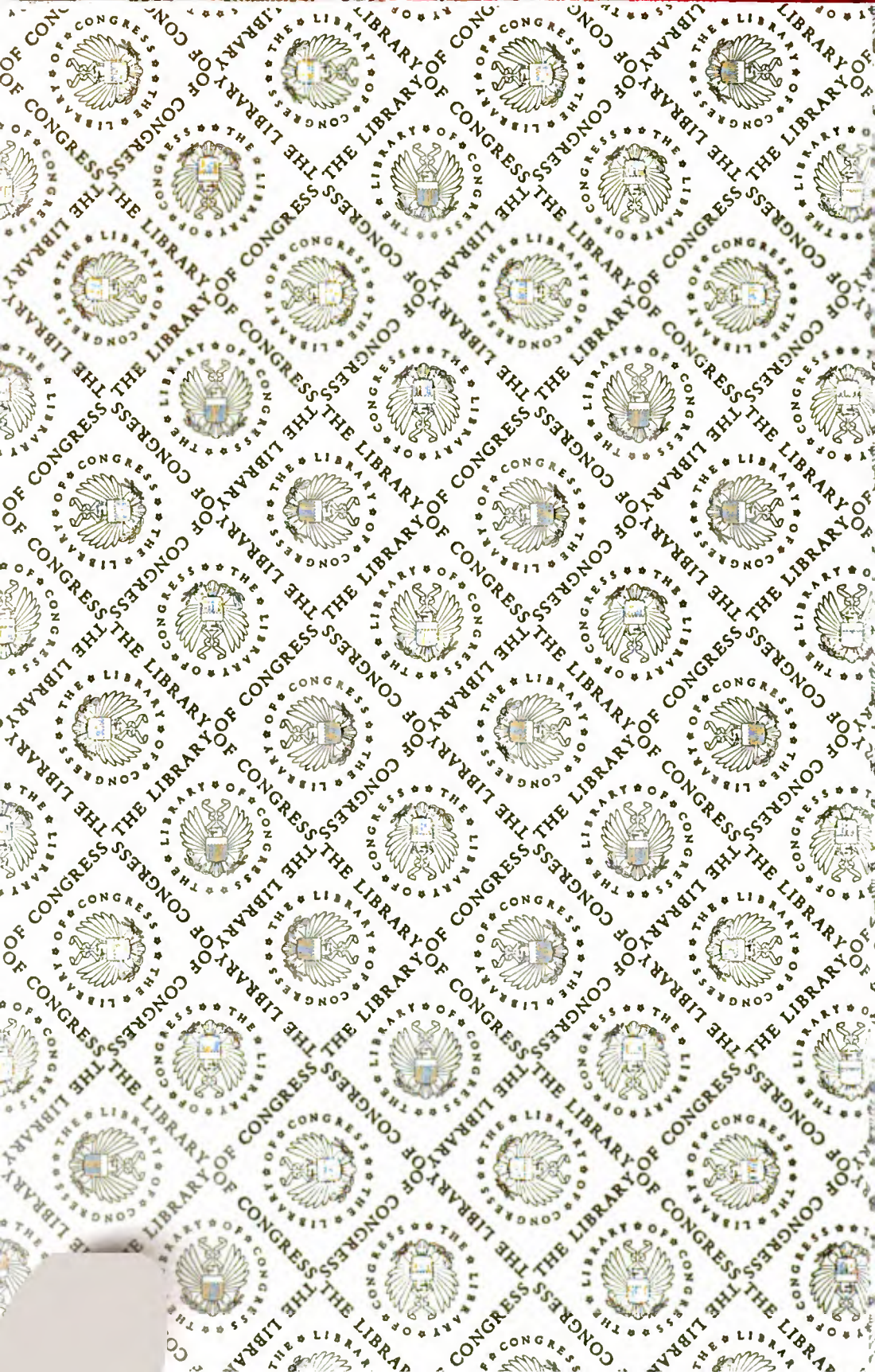


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